

REMARKS

Claims 8 – 25 remain in the application and stand finally rejected. Claims 1 – 7 are previously canceled without prejudice as being drawn to a non-elected invention. Claims 8, 14, 17 and 20 – 25 are amended by this proposed amendment. The final rejection is respectfully traversed.

Claims 8, 14 and 17 are amended by this proposed amendment to recite that the variable data is generated from raw data. This is supported by claims 20, 23 and 25. Thus, claims 20 – 25 are also amended. No reference of record teaches the present invention as recited in claims 8, 14 and 17, as rejected or as amended. Entry of the amendment, consideration and allowance of claims is respectfully requested.

Claims 8 – 25 are finally rejected under 35 U.S.C. §103(a) over U.S. Patent Application No. 2003/00144442 to Shiigi et al. in view of U.S. Patent No. 6,424,980 to Iizuka et al. alone or in further combination with U.S. Patent Application No. 2002/0138509 to Burrows et al. or U.S. Patent No. 6,714,931 to Papierniak et al. The final rejection is respectfully traversed.

The final Office action (Final) responds to applicants' remarks in the previous response that "placeholders are hardly variable data. Nor necessarily, 'text, graphics, video or animation files' are variable data." Page 18, 6.A. Specifically,

the examiner disagrees limitation 'a data generation module generating variable data for display' is not taught for the reason being that a variable data is nothing more than data. Variable data as stated is nothing more than data. As long as some data is disclosed. It meets the claimed limitation."

Page 19, first full paragraph (italics original).

The MPEP, §2111, entitled, "Claim Interpretation; Broadest Reasonable Interpretation" provides in pertinent part "CLAIMS MUST BE GIVEN THEIR

BROADEST REASONABLE INTERPRETATION During patent examination, the pending claims must be ‘given *>their< broadest **reasonable** interpretation consistent with the specification.’ >*In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000)” (emphasis added). That “broadest reasonable interpretation of the claims **must also be consistent** with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).” *Id.*, (emphasis added).

The Applicants aver that it is an unreasonable interpretation and inconsistent with the specification to hold that “*variable data is nothing more than data*,” and further, that “placeholders are ... variable data ... [and that] ‘text, graphics, video or animation files’ are variable data.” According to Merriam-Webster, *data* is:

- 1 : factual information (as measurements or statistics) used as a basis for reasoning, discussion, or calculation <the *data* is plentiful and easily available — H. A. Gleason, Jr.> <comprehensive *data* on economic growth have been published — N. H. Jacoby>
- 2 : information output by a sensing device or organ that includes both useful and irrelevant or redundant information and must be processed to be meaningful
- 3 : information in numerical form that can be digitally transmitted or processed

See, www.merriam.com/dictionary/data. Furthermore, *variable* means: “1 a: able or apt to vary : subject to variation or changes <variable winds> <variable costs> b: fickle inconstant 2: characterized by variations 3: having the characteristics of a variable.” See, www.merriam.com/dictionary/variable.

By these two above definitions, variable data is “1 : factual information (as measurements or statistics)” that is “apt or able to vary,” “fickle inconstant,” or “characterized by variations;” “2 : information output by a sensing device” that is “apt or able to vary,” “fickle inconstant,” or “characterized by variations;” or “3 : information in numerical form” that is “apt or able to vary,” “fickle inconstant,” or “characterized by

variations.” *Supra*. Furthermore, the present specification provides, for example, that “Figure 3 shows a preferred data structure example 160 of variable data for tabular data lists 146, 148, 150, 152, 154, as organized within the executable code modules 106, 110 of Figure 1 and stored as the dynamic input data 108, in accordance with the present invention.” Paragraph 0022 (emphasis added). So, while variable data is data, data is not necessarily variable data and therefore, it is an unreasonable interpretation and inconsistent with the specification to hold that “*variable data is nothing more than data.*” Nor does any reference of record teach or suggest using variable data consistent with the specification.

Text, graphics, video and animation *files* are fixed and do not vary. Nor are text, graphics, video and animation *files* variable data, consistent with the meaning in the specification, i.e., “measurements or statistics,” “output by a sensing device,” e.g., output by a monitored system as recited in claims 20 – 25.

The Final continues, asserting that, “*the generation module generating variable data is an object model that creates content objects. Those objects represent different types of content elements that are to appear on the web pages. Therefore, the objects are variable pieces of data.*” Page 19, first full paragraph (italics original). Where did this come from? Certainly not the present specification! There is nothing in the present specification to lead one to assert that generating variable data was the same as creating content objects.

Moreover, as previously noted, Shiigi et al. content objects are placeholders for actual content elements. Paragraph 0039 (“Instances of content objects are created in the Object Model and are referenced by tags inserted in the templates as placeholders for the actual content elements ...”). Placeholders (i.e., content objects) do not vary and therefore, are not variable data within the plain definitions of *variable* and *data* or “consistent with the specification.” *Supra*. Furthermore, the claims specifically recite

“ones of said HTML template files including **placeholders** in markup text for dynamic input data;... .” *See, e.g.*, claim 8, lines 7 – 8 (emphasis added). The specification specifically provides that the “collaborative system 100 includes a collection of hypertext mark up language (HTML) template files 104 with **placeholders** in markup text for reducing dynamic input data. An executable code module or data generation module 106 generates **variable data**, e.g., from system monitored parameters, which may be stored in input data store 108.” Paragraph 0016 (emphasis added). Asserting that placeholders are variable data renders this nonsensical.

As the applicants also previously noted, Shiigi et al. provides that “a resource is the actual content element referenced by the placeholder, such as text, graphics, video or animation files.” *Id.* As previously noted, “text, graphics, video or animation files” are not variable data. Further, although raw data might be extracted from “graphics, video or animation files,” and while raw data might be collected in text files, neither Shiigi et al., nor any reference of record teaches or suggests that. Nor does Shiigi et al. teach or suggest generating content objects by a data generation module, especially from raw system data. Nor is any of this provided or suggested by Iizuka et al. alone or in further combination with any other reference of record. Therefore, the combination of Shiigi et al. with Iizuka et al. does not result in the present invention, as recited in claims 8, 14 and 17, as finally rejected or as amended by this proposed amendment.

Moreover, regarding proposed amended claims 8, 14 and 17, *raw* means “2 a (1): being in or nearly in the natural state : not processed or purified <*raw* fibers> <*raw* sewage> (2): not diluted or blended <*raw* spirits> b: unprepared or imperfectly prepared for use c: **not being in polished, finished, or processed form** <*raw data*> <a *raw* draft of a thesis>.” *See*, www.merriam.com/dictionary/ variable (emphasis added).

However, regarding finally rejected claim 21, the first to recite “raw data,” the Final asserts that

Shiigi discloses "wherein said data generation module receives and formats raw data for a system and stores formatted system data in a local data store "[0039, object model which generates documents in response to client requests in a client/server network. The overall framework of the system is an objected-oriented environment consisting of templates, objects, documents, and resources which are used by the object model to generate webpages. Templates are structural elements that define the visual and programmatic structure of a webpage or set of webpages for a particular web site application, by specifying the formatting of the webpages and the content objects that will appear or be used on the webpages. 0043, the archiver 20B is used to archive data generated by the object model and to import data to or export data from the repositories.].

Bridging paragraph, pages 9 and 10 (sic).

None of this suggests or describes unpolished, unfinished or unprocessed “1: factual information (as measurements or statistics) ... 2 : information output by a sensing device ... [or] 3 : information in numerical form” *Supra*. Nor is any of this provided or suggested by Shiigi et al. or Iizuka et al., alone or in further combination with any other reference of record. Therefore, the combination of Shiigi et al. with Iizuka et al. does not result in the present invention, as recited in claims 8, 14 and 17, as finally rejected or as amended by this proposed amendment. Therefore also, claims 8, 14 and 17, as finally rejected or as amended by this proposed amendment, are not made unpatentably obvious by the combination of Shiigi et al. and Iizuka et al. Reconsideration and withdrawal of the final rejection of claims 8, 14 and 17 is respectfully requested.

Regarding application of Burrows, ignoring the added emphasis “the examiner respectfully disagrees that Burrows does not teach ‘adding HTML template files increases the size of each of said data generation module and said page generation

module only by the length of a corresponding said single entry for each said added html template’.” Final page 20, #C., first two paragraphs.

However, “each of said data generation module and said page generation module [includes] a page pointer table with a single entry for each of said HTML template files, each said page pointer table [includes] a single entry for each of said HTML template files, each said single entry for each of said ones pointing to a corresponding repeatable data structure,” as recited in claim 8, lines 12 – 15. The applicants had placed emphasis on “only” in the above recitation to call attention to the advantageous result that the expansion of the data generation module and the page generation module was minimal, i.e., “**only** by the length of a corresponding said single entry for each said added html template.” Claim 9, lines 3 – 4 (emphasis added). The Final confirms this point.

Specifically “Burrows discloses 0004 that if the number of web pages in the network is large, the amount of memory required to store the url’s and links in the web database will be **correspondingly large**.” Final page 20, #C., third paragraph (emphasis added). Therefore, Burrows et al. fails to teach that “adding HTML template files increases the size of each of said data generation module and said page generation module **only** by the length of a corresponding said single entry for each said added HTML template file.” *Supra* (emphasis added). Accordingly, the combination of Burrows et al. with Shiigi et al. and Iizuka et al. does not result in or suggest the present invention, as recited in claims 8, 14 and 17, as finally rejected or as amended by this proposed amendment, much less any of claims 9, 10, 12, 15, 16, 18 and 19 depending therefrom. Reconsideration and withdrawal of the final rejection to claims 9, 10, 12, 15, 16, 18 and 19 under 35 U.S.C. §103(a) is respectfully requested.

Ignoring the applicants’ response to Papierniak et al., the Final repeats the applicants’ response to Burrows and proceeds to argue that Papierniak et al. teaches “adding HTML template files increases the size of each of said data generation module

and said page generation module **only** by the length of a corresponding said single entry for each said added HTML template file.” *Supra* (emphasis added). Further ignoring the recitation of a “single entry,” the Final acknowledges that “Papierniak suggests adding html template files ... increases the size ... by the ... combine[d] length of all bytes sent. and figure 5, page map is the length of each added html template,” which is much larger than a single page pointer table entry.

Furthermore, as previously noted, Papierniak et al. col. 9 lines 19 – 21 is relied upon in finally rejecting claims 9, 10, 12, 15, 16, 18 and 19 to teach “that a page map contains a plurality of data records. That each of the records also **stores** a combined length for **all** the bytes sent for the web page file and the other type files.” Page 15, second paragraph (emphasis added). First that is not what Papierniak et al. col. 9 lines 19 – 21 teaches; and second, if it was, the result of the combination would not be the present invention.

As also previously noted, Papierniak et al. col. 9 lines 19 – 21 teaches that a “utility application 112 **calculates** a length [for each of the web page files] by combining the bytes sent for the one web page file with the bytes sent for the other type files linked in the one web page file.” Calculating a web page length is not what any of claims 9, 10, 12, 15, 16, 18 and 19 recite. Therefore, the combination of Papierniak et al. with Shiigi et al. and Iizuka et al. does not result in or suggest the present invention as recited in claims 8, 14 and 17, as finally rejected or as amended by this proposed amendment, much less claims 9, 10, 12, 15, 16, 18 and 19 depending therefrom. Reconsideration and withdrawal of the final rejection to claims 9, 10, 12, 15, 16, 18 and 19 under 35 U.S.C. §103(a) is respectfully requested.

Moreover, dependent claims include all of the differences with the references, as the claims from which they depend. MPEP §2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In*

re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”). Therefore, claims 9 – 13, 15, 16 and 18 – 25 which depend from claims 8, 14 and 17, are non-obvious over Shiigi in combination with Iizuka, alone or further in combination with any other reference of record. Reconsideration and withdrawal of the final rejection to claims 8 – 25 under 35 U.S.C. §103(a) is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance for the reasons set forth above, the applicants respectfully request that the Examiner enter the amendment, reconsider and withdraw the final rejection of claims 8 – 25 under 35 U.S.C. §103(a) and allow the application to issue.

As the applicants have previously noted, MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter **has been disclosed** and the record indicates that **the applicant intends to claim** such subject matter, he or she may note in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicants believe that the written description of the present application is quite different than and not suggested by any reference of record and that the claims as amended reflect those differences. However, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

AMENDMENT AFTER FINAL
January 14, 2008

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Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 09-0449 and advise us accordingly.

Respectfully Submitted,

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(Date)

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